

**UNITED STATES DISTRICT COURT**

# **EASTERN DISTRICT OF TEXAS**

RANDY WAHEIM,

Plaintiff,

*versus*

STATE OF TEXAS,

Defendant.

CIVIL ACTION NO. 1:06-CV-304

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Randy Waheim, an inmate confined at the Jefferson County Correctional Facility, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against the State of Texas.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 29th day of June, 2006.

Maria A. Crone

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE